

201408617

James Baez

John Slavinsky

The detectives observed someone enter a building where they believed drug transactions to take place. The man left the building, and they followed him. Detective Slavinsky stated that the man had dropped a small envelope and that he, Detective Slavinsky, picked up the envelope and determined it was heroin. The man was followed and arrested.

The man's girlfriend was in a car nearby. The officers informed her that the man was under arrest, vouchered property that was in the car, and told the woman she would have to find her way home. She eventually was able to get to the precinct and obtain the vouchered property.

Although both detectives stated that the man had dropped the envelope when running away, and that they had picked it up and determined it was drugs, thereby giving them probable cause to search him. But the documentation that they prepared at the time stated that they had searched the man and found the drugs in his pocket.

Because simply observing the man did not give them probable cause for the search, the CCRB found that the search was improper. It also found that both officers lied when they stated that the man threw the drugs to the ground.

Detective Slavinsky was tried in the administrative prosecution unit and forced to give up five vacation days for conducting a search without sufficient legal authority.

The NYPD did not punish Detective Slavinsky for the false statement and the CCRB allegations are listed only as "other misconduct" in a letter from the district attorney.

Detective Baez was not punished for the incident.

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- [REDACTED] is [REDACTED]-year-old white female who stands 5'0", weighs 135 pounds, and have brown hair and green eyes.
- [REDACTED] is currently unemployed.

CCRB Statement

[REDACTED] was interviewed at the CCRB on September 11, 2014.

On August 17, 2014, [REDACTED] and her boyfriend, [REDACTED] arrived in the Dumbo area in Brooklyn near the Brooklyn Bridge around 4:20 p.m. [REDACTED] believed they arrived at this time because a picture she had taken when they arrived had the time stamp 4:20p.m. on it. [REDACTED] and [REDACTED] had not consumed any drugs or alcohol on the incident date; however, [REDACTED] had taken her prescribed medication, Clozapine, to treat anxiety.

After about one or two hours, the two left and made their way toward [REDACTED]. [REDACTED] drove his new white 2006 Nissan Altima to [REDACTED] but parked on a side street near a train station located one stop away to avoid high parking prices. She did not know if the vehicle was parked in Brooklyn or Manhattan. The vehicle was insured, but had tinted windows; [REDACTED] did not know if the tints were legal. [REDACTED] did not know which train station they parked near because she is unfamiliar with public transportation. The drive took about 10 minutes. [REDACTED] and [REDACTED] did not make any stops from when they left Dumbo to when they parked their vehicle.

[REDACTED] did not know the time they parked the vehicle; however, when they parked the vehicle it was still light out and the sun was just about to start setting. [REDACTED] did not know the neighborhood in which the car was parked, nor did she know which street they parked on; however, she was later told by an officer that she could retrieve the vehicle on [REDACTED] and another cross street which she did not recall. She did not know if it was a one-way or two-way street. [REDACTED] parked the car on the left side of the street; the passenger side was closest to the street. [REDACTED] parked the car in a no parking zone, next to a no parking sign. The area in which they parked was industrial and near warehouses. [REDACTED] did not recall seeing any signs or names of the warehouses.

From where their vehicle was parked, [REDACTED] could see a house he owns. The house is foreclosed and was boarded up. [REDACTED] told [REDACTED] that he saw men standing in front of the house and was going to go check on it. [REDACTED] could not see the house from where she was sitting in the vehicle. She did not know the address of the house, nor which neighborhood it was located in, though she referred to it as a bad neighborhood.

[REDACTED] exited the vehicle to go check on his house. [REDACTED] did not see which direction he walked. After about 15-20 minutes, two officers dressed in dark blue plain clothes including a 'plastic' jacket, PO1 and PO2, approached the vehicle. [REDACTED] described PO1 as a white male in his 30s who stands 5'11", and has an average build, short red hair, and a red goatee. She described PO2 as a dark-skinned Hispanic male in his 30s who stands 5'11-6'0", is taller than PO1, has short black hair, and does not have any facial hair.

PO1 approached the passenger side of the vehicle and knocked on the front passenger window, pulled a shield from underneath his shirt, and motioned his hand downward. The color of his shield may have been silver; however, [REDACTED] was not certain. She did not notice the officers until they knocked on the window. All the windows were up; [REDACTED] rolled her window down. PO1 asked her if she knew [REDACTED] and stated that he was under arrest. When she asked why he was arrested PO1 instructed her to get out of the vehicle. She immediately stepped out of the vehicle with her large cream-colored Michael Kors purse on her shoulder. She did not recall if she closed the

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door behind her. PO1 told her to walk to the back of the vehicle, which she did. She stood with her side facing the vehicle, and was able to see the vehicle.

PO1 asked [REDACTED] for her purse, and she handed it to him without any resistance. He then looked through her purse and removed a smaller cream colored Michael Kors wallet, and looked inside it. She did not see him remove any items from the wallet. She did not see him holding her Access-a-Ride MetroCard or her license. She did not ask PO1 why he searched her bag. PO1 did not ask her for her identification. While PO1 was looking through her bag, PO2 opened the front driver side door and leaned into the vehicle. She was unable to see what he was doing inside the vehicle. She did not see him remove anything from the vehicle. She did not see any other car door opened while PO2 was inside the vehicle. PO2 shut the door, locked the vehicle, and took the keys with him.

[REDACTED] told the officers she did not have any money, and had no way of getting home. PO1 told her to walk home, and the officers walked into a black unmarked van that was parked behind her vehicle. She had not noticed the van until then. She did not recall seeing any numbers on the van or the license plate. She did not recall which officer entered the front driver's door and which entered the front passenger's door. She was unable to see if any other individuals were inside the van, and did not see [REDACTED] [REDACTED] did not have any verbal interaction with PO2 before the officers left.

Once the officers left, [REDACTED] walked until she found a stranger and obtained directions to the closest precinct. [REDACTED] entered the 88th Precinct stationhouse and spoke to a desk officer who told her that [REDACTED] was not at their precinct. She left and got directions from a stranger to an F train station. She went to the train station, jumped the turnstiles, and made her way home. She did not recall at what time she returned home. By the time she arrived home, it was dark outside. At home, she received a telephone call from [REDACTED] who asked her to come to a stationhouse to retrieve his belongings.

A car service driver drove [REDACTED] to the stationhouse. She did not know what time she arrived, but approximated that it was between 9:00 p.m. and 11:00 p.m., since it was dark and there was still heavy traffic. Once she was there she walked inside the front doors, into a small lobby area with the bench. After the lobby were two more doors which led to a large room where the front desk was located. [REDACTED] did not recall if any officers were in this room or were behind the front desk. Behind the front desk was a room with a table. An officer directed [REDACTED] to that room. Inside the room, PO1 sat at a table with his legs up. Two officers, PO3 and PO4, were present inside the room. [REDACTED] described PO3 as a white male in his 30s who stands 6'0", has a heavy build, is bald, has a red beard, and was wearing dark blue plain clothes similar to PO1. She described PO4 as a white male in his 30s who stands 5'8-5'9", has dark hair, and was wearing street clothes. [REDACTED] later told [REDACTED] that PO4's name was "Rubbie." [REDACTED] was also in the back room, sitting handcuffed to a chair.

As she walked inside the back room, PO3 pulled out her MetroCard and license from a large envelope. She began crying and asked the officers why they took her belongings. PO3 told her that if she did not shut up she was not going to get anything back. PO1 then told her that he assumed she got home. She asked PO1, who was sitting about four or feet five from her, for his name and shield number. PO1 stated, "Yeah?" and smiled at her, but did not state his name or shield number. She then stated that she was going to call IAB. PO4 told [REDACTED] to leave and go into the lobby area until she shut up and complied with orders to stop crying. As she walked out of the room, [REDACTED] asked PO1 once again for his name and shield number, he ignored her and did not say anything. PO4 walked her to the lobby. She waited in the lobby area.

Less than ten minutes later, one of the officers retrieved [REDACTED] from the front lobby area and walked her to the back room. [REDACTED] told [REDACTED] to calm down, take his belongings, and leave. The officers then gave

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her the envelope with her MetroCard and license, and [REDACTED] belongings, and she left the stationhouse. She did not recall how long she was present at the stationhouse for.

During her ride home, the car service driver told [REDACTED] that they were at the 88th Precinct stationhouse; though she had described the stationhouse as different from the one she had visited earlier in the day. She did not know which neighborhood or borough the stationhouse that she had just left was located in. Once she arrived home she opened the envelope and noticed all of [REDACTED] belongings that were vouchered were present except for a gold and white gold linked chain which [REDACTED] was wearing that day. The necklace was written on the property voucher, but was not inside the envelope.

[REDACTED] was released the following morning. He told [REDACTED] that he was arrested for disorderly conduct.

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- [REDACTED] is a [REDACTED]-year-old white male who stands 6'0", weighs 230 pounds, and has brown hair and brown eyes.
- [REDACTED] is employed as [REDACTED]; however, he is currently off of work and on disability.

CCRB Statement

[REDACTED] was interviewed at the CCRB on September 11, 2014.

On August 17, 2014, [REDACTED] and his girlfriend, [REDACTED] were visiting shops and restaurants near the Brooklyn Bridge, in Brooklyn. The two decided to go to Chinatown. [REDACTED] drove his white 2006 Nissan Altima (license plate # [REDACTED] which has tinted windows near the corner of the F train station, and parked on [REDACTED]. Initially, [REDACTED] stated he parked his vehicle on [REDACTED]; however, later he stated that he parked on [REDACTED]. Before parking his vehicle, [REDACTED] stopped at a Chase Bank located at [REDACTED]. He went inside the bank and withdrew a few hundred dollars from an ATM to have while shopping in [REDACTED]. He did not make any other stops before parking his vehicle.

Once he parked his vehicle, [REDACTED] could see a house for which he is a broker down the street. He did not know the specific address of the house but stated that it was located near two grocery stores. He exited his vehicle to check on the house; [REDACTED] remained in the vehicle. While he was walking to the house, he received a phone call. The phone call had a time stamp of 6:30 p.m. (He knew this off-hand, and did not check the time-stamp during his interview.) While walking to his house he stopped and exchanged verbal greetings with a few of his black friends. He gave one of his friends, [REDACTED] who was standing outside of a 24-hour-store which name he did not recall, a dollar. He did not know her last name. While speaking to his friends he noticed a male, PO1, exit the passenger side of an unmarked van. The van was parked in the driveway of a factory that was located behind his parked vehicle. He was able to see the van from where he was standing and speaking to his friends. [REDACTED] described PO1 as a white male who stands 5'8" to 5'9" tall, has red hair and a red beard, and was wearing plain clothes. He did not describe him further. PO1 followed [REDACTED] on foot.

[REDACTED] then continued walking and walked the house. He noticed PO1 was following behind him, so he crossed a street, walked through a NYCHA complex, down an alleyway, through a park (at dusk) and onto [REDACTED]. PO1 followed him the entire way. [REDACTED] assumed he did so because he saw him speaking to black males and must have thought he was buying or selling drugs.

While [REDACTED] was walking on [REDACTED], PO1 approached him, grabbed his shoulder with one hand and [REDACTED] wrist with his other, and pushed him up against a vehicle. [REDACTED] told PO1 that he just had arm surgery, and PO1 told him that he did not give a "fuck" about his arm. PO1 placed his hands into [REDACTED] front and back pants pockets; however, he did not remove anything. The unmarked van then pulled up to [REDACTED] and PO1. An officer in plain clothes, PO2, exited the driver side of the van and approached them. [REDACTED] described PO2 as a Hispanic male over the age of 40, who stands 6'3" tall, weighs 250 to 260 pounds, and has a heavy build and dark brown hair.

PO2 grabbed one of [REDACTED] hands and helped PO1 place him into handcuffs. The handcuffs were so tight [REDACTED] was not able to feel his hand until September 11, 2014. PO2 then went into [REDACTED] front and back pants pockets and pulled small glassine bags from one of his pockets. [REDACTED] had never seen the bags before and

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did not know what was inside of them. One of the officers stated that a 'controlled substance' was inside of the bags. [REDACTED] was then placed into the police van. [REDACTED] told the officers that [REDACTED] was parked around the corner and that he needed to give her money to get home. One other prisoner, a Hispanic male who stands 6'0" tall, has a heavy build and grey hair, mustache and goatee, was sitting in the van handcuffed. He told [REDACTED] he was arrested for possession of crack cocaine.

[REDACTED] was unable to see outside the van because it did not have any windows. He felt the vehicle move for about half a block. He then heard PO1 speaking to [REDACTED]. He recognized their voices. They conversed about how [REDACTED] was going to get home; PO1 told her that for all he cared, she could "fucking" walk home, and that he did not give a "fuck" how she got home. [REDACTED] yelled in the van, asking the officers to let him give her money for fare. PO1 told [REDACTED] to "shut the fuck up," from outside the van. He was unable to see the officer who made the comment, and but recognized the officer's voice as belonging to PO1. [REDACTED] stated that if he was out of the van, he would have hit PO1 or attacked him. [REDACTED] knew his vehicle was left in its parking spot.

Once the officers left and continued driving, they stopped and picked up another male prisoner. They then drove the three prisoners to the 88th Precinct stationhouse, and arrived there after about two hours from the time [REDACTED] was stopped. Once he walked into the stationhouse, there was a large room with a front desk. An officer, PO3, was standing behind the front desk. [REDACTED] described PO3 as a white male in his late 30s to mid 40s, who has brown hair, and was wearing a uniform and gold badge. PO3 did not interact with [REDACTED] and PO3 did not leave the front desk. The holding cells were located to the left of the front desk, and a break room was to the right of the front desk, on the opposite side of the room.

[REDACTED] and the two other prisoners were placed into the large break room which was equipped with vending machines, chairs and tables. [REDACTED] saw the number 88 on lockers inside the room. An officer, PO4, was sitting in the room with his feet up. [REDACTED] described PO4 as a Hispanic male in his 40s who stands 5'6" to 5'7" tall, has a thin-to-average build, has black hair, and was wearing plain clothes. He did not have a badge shown; neither did any of the other officers. PO4 told [REDACTED] his name was "Ruben." PO4 provided his name to [REDACTED] it was not asked of him.

PO1 placed [REDACTED] property into a large envelope. [REDACTED] took off his bracelet and a white gold and yellow gold chained link necklace and placed them into the bag himself. He placed \$240.00 in the bag and kept \$20.00 in his pocket. PO1 then placed [REDACTED] MetroCard and license into [REDACTED] property envelope. PO4 told [REDACTED] he would allow him to have someone pick up his belongings. This made [REDACTED] believe PO4 was in charge and a lieutenant. [REDACTED] called [REDACTED] and told her to come pick up her stuff. An officer told him that the stationhouse was located on DeKalb Avenue and Classon Avenue. [REDACTED] and the other prisoners were taken to the holding cells.

Within an hour, PO4 came to the holding cells to retrieve [REDACTED] because [REDACTED] had arrived. Initially, [REDACTED] stated that PO4 told him, "I'm not going to give her nothing, and I mean fucking nothing," if he did not calm her down; however, he later stated that PO4 said, "If you don't calm her down, she's not getting shit." [REDACTED] then clarified that PO4 actually stated, "If you don't calm her the fuck down, she came in here like a nut, I'm not going to give her shit." PO4 walked [REDACTED] to the same break room he had been in earlier. PO1 and PO2 were also present inside the room, along with [REDACTED] who was crying. [REDACTED] calmed her down, told her the situation was 'bullshit,' gave her money, and instructed her to take his property and retrieve his vehicle.

[REDACTED] looked through the property envelope and told PO1 that there was no paperwork inside and she needed a name and shield number. She then asked PO1, who was sitting about seven feet away from her for his name and shield number. PO1 told her that she was not getting anything and that she was leaving. PO2 had exited the room

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sometime before [REDACTED] asked for PO1's name and shield; however, PO4 was present. PO1 approached [REDACTED] and shoved him with one hand on his back out of the room. [REDACTED] then left the room. The car service driver she used to get to the stationhouse was waiting for her at the front door.

When [REDACTED] arrived home the following day, he and [REDACTED] realized [REDACTED] white and yellow gold necklace was missing and not in the property envelope, although his paper work stated it was vouchered.

During his interview, [REDACTED] commented that PO1 was a low-life and if PO1 was in the room with Inv. Dempsey and himself, he would show the investigator just how much of a low life PO1 is. He then stated that he would beat the shit out of PO1 if PO1 was present during his interview, and admitted to hitting an officer over the head with a brick 19 years prior and got away with it. He stated the officer he hit in the head was the same "type" of officer as PO1.

Interview Details

Det. Paul Martin
Case # 201408617

- *Det. Martin is a white male, standing 5'9" tall, weighing 200 pounds with red hair and brown eyes. At the time of the incident he was 30 years old.*
- *He worked from 3:00 P.M. on August 17, 2014 to 4:33 A.M. on August 18, 2014. He was assigned as the arresting officer and was working with Sgt. Anghel. He was in plain clothes and assigned to an unmarked, rental auto # [REDACTED]*

Memobook:

At 7:00 P.M. Det. Martin had [REDACTED] under arrest at the rear of [REDACTED]

CCRB Testimony:

Det. Martin was interviewed at the CCRB on March 5, 2015.

Det. Martin did not have an independent recollection of the events that took place on August 17, 2014 at 7:00 p.m. at the rear of [REDACTED] as he was not at the scene. Det. Martin is not familiar with the area surrounding [REDACTED]. Det. Martin did recall interacting with [REDACTED] and [REDACTED] at the 88th Precinct stationhouse.

When presented a photo of [REDACTED] Det. Martin did recognize him and confirmed that he was the arrested individual. Det. Martin did not see [REDACTED] in the field at [REDACTED] and reiterated that he only saw [REDACTED] back at the 88th Precinct stationhouse. Det. Martin stated that [REDACTED] wasn't irate during the incident and that nothing about his processing stood out. On [REDACTED] arrest report it stated next to drugs used, "Opium and Derivatives." Det. Martin believed that [REDACTED] was not under the influence of drugs or alcohol and believed it was a clerical error on his arrest report as they are just drop down boxes. Det. Martin did recognize a photo of Ms. Canaerlli and confirmed that she was the white female at the stationhouse.

When Det. Martin was shown a tactical plan, which indicated that Det. Martin was in the leader vehicle, He was asked to explain what that entails. Det. Martin and Sgt. Anghel were in a blue Subaru, vehicle # [REDACTED]. He explained he was the arresting officer and he was assigned to work with Sgt. Anghel all day. Det. Martin went on to explain the operation was not a "Buy and Bust" and that that was a mistake. Det. Martin went on to explain that no undercover officers were present that day, and that they were just doing observation. Depending on how the day unfolds, sometimes the officers stay in the vicinity and sometimes they spread out from one another. Det. Martin did not recall where he was at that time, going on to explain some of the entries in his memo book such as at 6:25 P.M. the chase car had one under arrest. He was not with the prisoner van at any point during the day.

He first became aware of the arrest at the 88th Precinct stationhouse when processing [REDACTED]. Det. Martin was shown the arrest paperwork involving [REDACTED] which only stated that he was observed in possession of a controlled substance. Det. Martin was unaware of how the controlled substance was found by officers or what the circumstances were, but stated that it would be located on the supporting disposition. Det. Martin was shown the support disposition paperwork and he confirmed that he did not fill this out and that Det. Slavinsky did and he was just informing Det. Martin of what transpired at the arrest. Det. Slavinsky observed the defendant in possession of 5 glassine envelopes of Heroin. They were recovered from his pants pockets, and the field test was positive for heroin. Det. Martin goes on to say that the fact sheet just summarizes the same information, reiterating that the heroine was stamped with the words "Good luck", Det. Slavinsky recovered the heroine from the defendant's pants pocket and

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that he observed the defendant in possession of controlled substance. Det. Martin confirmed that no one else on the field team has red hair. Det. Martin had a goatee/facial hair, which was red, during his interview; however, he doesn't believe he had facial hair during the incident because it was summer. His hair color has never changed.

Det. Martin stated that someone, though he did not recall specifically who, from the front desk came to him if the field team had arrested [REDACTED]. Det. Martin informed this officer that they did and the officer responded by telling them someone was waiting outside. A white female, identified via the investigation as [REDACTED], was waiting out by the front desk. When Det. Martin came out to see her she was irate, in such a manner that she was yelling, and wanted to know why her boyfriend or husband was arrested. No officer attempted to stop her from yelling; Det. Martin simply came out and asked her who she was here for. Once Ms. [REDACTED] informed him, he asked her to the Muster room due to not liking to speak out by the front desk because you never know who is listening. She was there to pick up [REDACTED] property. Det. Martin believed she was asking for money so she could get a ride home. Other officers may have been present at the front desk; however officers are in and out between cells, upstairs etc. so it was difficult to determine who may have been there. Det. Martin did not recall if he gave her property back. He did not recall seeing a MetroCard or [REDACTED] license. Det. Martin wouldn't be the one to break down the property. That task can be taken up by anyone who decided to do it therefore it could have been any officer. Det. Martin did not recall being asked about any specific property by [REDACTED]. [REDACTED] did not ask Det. Martin for his name or shield and did hear [REDACTED] ask any officer for their shield or name. Det. Martin did not recall if he gave [REDACTED] his name but he did not give her his shield number at any point. Det. Martin did not hear an officer give their name or shield number to [REDACTED]. Det. Martin is not familiar with any officer named Rueben or an officer with the nickname "Ruby". Det. Martin did not interact or see [REDACTED] prior to the stationhouse encounter. At the stationhouse, no officer said they knew [REDACTED] or that they interacted with her.

Once in the Muster room, [REDACTED] calmed down and Det. Martin explained that [REDACTED] was under arrest. The whole field team was in there as that is where they process arrests. Det. Martin did not recall if [REDACTED] was there, and stated that he would typically be in the holding cell area. Det. Martin did not recall going back into the holding cell area to speak to [REDACTED] about [REDACTED]. Det. Martin did not tell James "If you don't calm her down she isn't getting shit", "If you don't calm her the fuck down, I am not going to give her shit" or "I am not going to give her nothing, I mean fucking nothing if you don't calm her down." Det. Martin did not use any profanity during the incident towards any civilian and did not hear any officer use any profanity towards [REDACTED].

No officer pushed [REDACTED] with an open palm, nor did Det. Martin do that himself. Det. Martin did not recall [REDACTED] car keys and did not recall any of his property.

Det. Martin was told that [REDACTED] parked his car in a no parking zone with his wife waiting inside. [REDACTED] was walking down the street when officers stopped him and searched his pockets. Det. Martin did not witness those events. Det. Martin did not search [REDACTED] pockets. Det. Martin didn't go inside [REDACTED] vehicle and didn't see any officer search [REDACTED] vehicle. Det. Martin did not see officers take [REDACTED] back to his vehicle and then search it. Det. Martin did not hear officers mention that they had searched a vehicle. Det. Martin did not hear an officer say "I Don't give a fuck about his arm", nor did he say that. Det. Baez and Det. Slavinsky did not inform Det. Martin that they had spoken with [REDACTED] in a vehicle prior to the incident.

Det. Martin did not hear an officer say "She can fucking walk home", "I don't give a fuck how she got home" or "Shut the fuck up" nor did he say any of these phrases himself.

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Case # 201408617

Det. John Slavinsky

- Det. John Slavinsky is a white male standing 5'8" tall, weighing 180 pounds with brown hair and blue eyes. At the time of the incident he was 31 years old.
- On August 17, 2014 Det. Slavinsky worked from 3:00 p.m. to 3:33 a.m. on August 18, 2014. He was assigned to the prisoner van with Det. Baez, was in plain clothes and was assigned to a black Ford prisoner van # [REDACTED]

Memo Book:

On August 17, 2014 at 7:00 p.m. Det. Slavinsky picked up one male, [REDACTED] who was stopped in front of [REDACTED]. At 7:10 p.m. [REDACTED] was under arrest.

CCRB Testimony:

Det. Slavinsky was interviewed at the CCRB on May 12, 2015.

On August 17, 2014, at 7:00 p.m., Det. Slavinsky and Det. Baez were working a case in the vicinity of [REDACTED] as it is a drug prone location. Det. Martin was not present at the location. At the time, it was dark outside with many people walking up and down the streets. Det. Slavinsky observed [REDACTED] enter [REDACTED] which is a NYCHA complex. [REDACTED] went in for approximately a minute to a minute and a half, and exited the building. Det. Slavinsky, after investigating the area for more than a year and half, did not believe that [REDACTED] was a resident as he did not use a key to open the door and only went inside the building for a short time, which Det. Slavinsky found suspicious. Additionally, the location is known to have drug deals conducted in its lobby and [REDACTED] looked at a small object in his hand, which Det. Slavinsky concluded was narcotics, but could not specifically identify at the time, which he placed in his front right pants pocket once he had exited the building. Det. Slavinsky explained that the MO of these types of individuals is to test the drug shortly after purchasing it to see how good it is or to look at it because they do the buy so quickly. This prompted Det. Slavinsky to follow Mr.

[REDACTED] walked away from [REDACTED] towards [REDACTED]. Det. Slavinsky followed [REDACTED] in an effort to figure out what the small object was. [REDACTED] Det. Slavinsky followed [REDACTED] for approximately 2-3 blocks. Det. Slavinsky stated, during the recap of the incident in his own words, the following at 2:58:

"Once he realized I was following him, he dropped some narcotics to the ground. I recovered the narcotics, seen what it was, I called over my partner on the phone. I continued to follow him for approximately a block or so, then once he seen my partner jump out, I was right behind him. I told him who we were and placed him under arrest."

Det. Slavinsky believed that [REDACTED] noticed Det. Slavinsky following him and removed the small object from his front right pocket and dropped it on the ground. Det. Slavinsky picked up the object, which was heroine. Det. Slavinsky knew it was heroine because of his training (it was later field tested and confirmed as heroine). Det. Slavinsky did not recall exactly how it was packaged. Det. Slavinsky was shown the field test paperwork which indicated the drugs were packaged in a glassine envelope, which is a small, clear, wax paper like envelope which is used commonly to package narcotics. [REDACTED] dropped five of these envelopes of heroine.

After the drugs were dropped, Det. Slavinsky continued to follow [REDACTED] for approximately one block. He called his partner on a cell phone and indicated the direction that [REDACTED] was walking. Baez parked near [REDACTED]. [REDACTED] exited the prisoner van and approached [REDACTED] from the front, while Det. Slavinsky approached [REDACTED].

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██████████ from the rear. Det. Slavinsky believed that, as the officers approached, ██████████ figured out that they were officers based on his demeanor. Additionally, Det. Slavinsky said "Police, stop." At this point ██████████ was under arrested for possession of a controlled substance. He placed his hands behind his back and said he was sorry; however ██████████ wasn't very "easy going" at this time. Det. Slavinsky clarified that ██████████ wasn't "easy going" by saying that no one wants to be locked up and ██████████ was verbally pleading with the officers. ██████████ explained to them that he had someone waiting in his car on the side of ██████████ to which Det. Slavinsky and Det. Baez acknowledged and told him that they would take him over to his vehicle.

██████████ was searched before being placed in the prisoner van from head to toe; however he did not specify who searched him. ██████████ was placed into the in the Prisoner van by Det. Slavinsky and Det. Baez. ██████████ was not making any statements at this time. Det. Slavinsky did not recall anyone else inside the prisoner van. ██████████ was never slammed against a vehicle by an officer and Det. Slavinsky did not do this himself. ██████████ was never told by an officer, "I don't give a fuck about your arm," and Det. Slavinsky himself did not say that to him.

Det. Baez and Det. Slavinsky took ██████████ over to his vehicle, which was legally parked on the side of ██████████. Inside the front passenger seat was a female, identified via the investigation as ██████████. Det. Slavinsky believed that ██████████ was ██████████ wife or girlfriend. Det. Slavinsky spoke to ██████████ and explained that ██████████ was under arrest. Det. Slavinsky asked her for her name, which she provided, and asked her if she had a driver's license, to which she responded that she did not have one. Det. Slavinsky explained that since she did not have a driver's license, she will need to find a way home as he will need to take the keys to the vehicle and lock it up. ██████████ stepped out of the vehicle and started arguing with Det. Slavinsky. ██████████ explained that she needed money and, that without it, she couldn't go home. Det. Slavinsky told ██████████ that she could go to the precinct to discuss everything further and gave her the location or that she could take a cab home, stop by the bank and get money. ██████████ and Det. Slavinsky went back and forth for approximately two to three minutes. Det. Slavinsky reiterated that they can't do this here and that she will need to go to the precinct to discuss everything further. ██████████ was screaming to ██████████ from inside the van. Det. Slavinsky did not recall specific statements but he believed that ██████████ didn't know how she was getting home and that ██████████ suggested a cab. Det. Slavinsky explained to ██████████ that he can't be screaming and explained to him that ██████████ can meet them back at the precinct and they will handle everything. Det. Slavinsky believed ██████████ returned to her home in Staten Island via a cab but never saw this occur.

During Det. Slavinsky's interaction with ██████████ he did not hear an officer say, "Fucking walk home", "I don't give a fuck how she gets home" or tell her to "Shut the fuck up". Det. Slavinsky did not make any of these statements himself. Det. Slavinsky did not hear any profanity used towards ██████████ and did not use any profanity towards her himself. Det. Slavinsky did not see any officers search ██████████ her purse, her wallet or the vehicle she was in. Det. Slavinsky did not do these actions himself. None of ██████████ property was taken from her, including a MetroCard, at any time during the incident. Det. Slavinsky did not have a reason to investigate ██████████ as she was just the passenger in a vehicle and she did not have a driver's license. She never presented any form of identification to Det. Slavinsky.

Once back at the stationhouse, Det. Slavinsky was in the process of lodging ██████████ and moving in and out of a muster area. Det. Slavinsky's only physical contact with ██████████ was during the fingerprinting process. Det. Slavinsky did not have to use any physical force on ██████████ while at the stationhouse. Det. Slavinsky stated that ██████████ demeanor at the stationhouse was calm until he was around ██████████. Det. Slavinsky did not know the whereabouts of Det. Baez, only that he was in the precinct somewhere because they drove back together.

Det. Slavinsky stated that once ██████████ arrived at the stationhouse, she informed him that she had returned to ██████████ from the incident location via a cab and that she received a cell phone call from ██████████ while at the

Interview Details

stationhouse. Det. Slavinsky believed that [REDACTED] wanted to give her property because he was on probation or parole and believed he was going to do time because of the drugs he was caught with. [REDACTED] was very argumentative and verbally abusive despite the officers trying to help her and allowing her to take [REDACTED] property. Det. Slavinsky had no interaction with [REDACTED] at the precinct. He believes Sgt. Anghel was interacting with her. Det. Slavinsky believed that [REDACTED] took [REDACTED] property and money for the cab. [REDACTED] and [REDACTED] were having a verbal argument back and forth inside the muster room of the stationhouse. Det. Slavinsky stated that [REDACTED] was worried about one thing, while [REDACTED] was worried about another. Officers asked [REDACTED] to leave and told them that they could settle it at a later date. Det. Slavinsky believed officers escorted [REDACTED] out because she was being argumentative towards everyone. Of the officers who escorted her out, Det. Slavinsky could only recall Sgt. Anghel. There is no officer at that precinct with the name "Rueben" or "Rubbie".

Det. Slavinsky did not speak to [REDACTED] in the holding cell area about [REDACTED]. Det. Slavinsky did not say "If you don't calm her the fuck down, she came in her like a nut, I'm not going to give her shit," nor did any other officer. Det. Slavinsky did not recall [REDACTED] or [REDACTED] asking him or any other officer for their name and shield; but stated that if she had, he would have given it to her.

The only narcotics recovered from [REDACTED] were the five glassine envelopes of heroine. Det. Slavinsky stated in his interview that this incident helped spawned a case for that area due to the drug problem.

Interview Details

Case 201408617

Sgt. Alexandru Anghel

- *Sgt. Alexandru Anghel is a white male, standing 5'11" tall, weighing 181 pounds with black hair and brown eyes. At the time of the incident he was 33 years old.*
- *On August 17, 2014, Sgt. Anghel worked from 3:00 p.m. to 1:35 a.m. on August 18, 2014. He was assigned as the module supervisor, he did not recall his partner, was in plain clothes, and was assigned to an unmarked four door sedan # [REDACTED]*

Memo Book:

At 7:50 p.m. the prisoner van had [REDACTED] under arrest. At 8:30 p.m. Sgt. Anghel arrived at the 88th Precinct stationhouse.

CCRB Testimony:

Sgt. Anghel was interviewed at the CCRB on May 12, 2015.

On August 17, 2014 at 7:50 p.m., Sgt. Anghel was informed, via cell phone, by his field team that there was a hand to hand transaction and they had one individual under arrest. Sgt. Anghel did not know who specifically observed the hand to hand transaction. Sgt. Anghel believed that the phone call was from Det. Baez but could have been Det. Slavinsky. The individual was not known to Sgt. Anghel until he was back at the 88th Precinct stationhouse. Sgt. Anghel went to the location to ensure that his field team, consisting of Det. Baez, Det. Slavinsky and Det. Martin, was safe. The field team had recovered a quantity of a controlled substance, identified as heroine; however Sgt. Anghel did not recall who recovered the heroine, who it was recovered from or where it was recovered from. Sgt. Anghel never saw or interacted with [REDACTED] as he was located in the prisoner van when he arrived, or [REDACTED] at [REDACTED]. Sgt. Anghel instructed his field team to bring the prisoner back to the 88th Precinct stationhouse. Sgt. Anghel did not recall if there were any other prisoners inside the prisoner van other than [REDACTED]. Sgt. Anghel confirmed that this operation was not a buy and buy and that the tact plan has only two options and that "Buy and Bust" is considered work with undercovers and also regular observation enforcement.

Once back at the 88th Precinct stationhouse, he was informed by an officer at the front desk; however he did not recall who, that there was someone waiting in the precinct lobby who wanted to speak to him. This was Sgt. Anghel's first interaction with [REDACTED]. Sgt. Anghel did not know how [REDACTED] got to the 88th Precinct stationhouse. Sgt. Anghel asked [REDACTED] for her ID so he could figure out who she was; however he did not recall if her ID was in her possession or not prior to receiving it. [REDACTED] said that she was schizophrenic, bipolar and sick. Sgt. Anghel asked her who she knew that was arrested and she informed him it was [REDACTED]. Sgt. Anghel went back into the holding cell area to speak to [REDACTED]. Sgt. Anghel asked [REDACTED] if he knew [REDACTED] to which he responded that he did. Sgt. Anghel informed [REDACTED] that she needed money to go back home because she was stranded. [REDACTED] said, "Absolutely, she is my girlfriend." Sgt. Anghel arranged for [REDACTED] and [REDACTED] to meet in the muster room so they could discuss how much money she needed.

In terms of releasing [REDACTED] property to [REDACTED] It is department procedure that items voucher from your possession is assumed to be yours. Sgt. Anghel did not recall what property of [REDACTED] was vouchered, other than the narcotics. Sgt. Anghel did not recall any officer being in possession of [REDACTED] property at any time. Sgt. Anghel was not informed of any search of [REDACTED] purse, wallet or of a vehicle at [REDACTED] nor did he perform a search of them.

Interview Details

During the interaction between [REDACTED] and [REDACTED] asked Sgt. Anghel for two bags of the heroine that was recovered because she was sick and may have an episode. Sgt. Anghel told [REDACTED] that she should not have the heroine and that the conversation was over, to which [REDACTED] responded by becoming belligerent. Sgt. Anghel removed her from the muster room and she began crying and screaming. Sgt. Anghel believes that officers from the 88th Precinct were there for the conversations with [REDACTED] and [REDACTED] however, he did not recall specific officers.

Sgt. Anghel never saw an officer grab [REDACTED] by the shoulder and slam him up against a vehicle nor did he do that himself. Sgt. Did not see an officer shove [REDACTED] nor did he do that himself. Sgt. Deserio did not hear an officer say, "I don't give a fuck about your arm," to [REDACTED] nor did he say that himself. Sgt. Anghel did see [REDACTED] searched at the front desk, but did not know if he was searched prior to being arrested. Sgt. Anghel did not hear about [REDACTED] being searched. Sgt. Anghel did not hear an officer say, "Walk the fuck home", "I don't give a fuck how she gets home" or "Shut the fuck up" to [REDACTED] nor did he say those statements himself. When Sgt. Anghel spoke to [REDACTED] in the holding cell area, he did not say "If you don't calm her the fuck down; she came in here like a nut, I'm not giving her shit", nor did any other officer. Sgt. Anghel did not hear any officer asked for their name or shield. [REDACTED] asked Sgt. Anghel for his name and shield and he provided it to her. Officers did not use any profanity towards [REDACTED] or [REDACTED] at any point during the incident, nor did Sgt. Anghel. Sgt. Anghel did not recall any officer mentioning force being used on [REDACTED]

Sgt. Anghel stated that [REDACTED] is across from the 84th precinct. The 84th Precinct has experience in that area with car break-ins due to the drug users who need money.

Interview Details

Case # 201408617

Det. James Baez

- Det. James Baez is a Hispanic male, standing 6'4" tall, weighing 310 pounds with black hair and brown eyes. At the time of the incident he was 37 years old.
- He was on duty from 3:00 p.m. on August 17, 2014 to 2:33 a.m. on August 18, 2014. He was assigned to the prisoner van with Det. Slavinsky, was in plain clothes and was assigned to a blue prisoner van # [REDACTED]

Memo Book:

At 7:00 p.m. Det. Slavinsky arrested [REDACTED].

CCRB Testimony:

Det. Baez was interviewed at the CCRB on May 14, 2015.

On August 17, 2014, at 7:00 p.m., Det. Baez and Det. Slavinsky were parked approximately 30 feet away on the opposite side of [REDACTED]. Det. Baez stated in his interview, at 2:20, the following:

"We saw an individual with U.S. currency in his hand walking up towards the building [REDACTED], exchange words with another individual that came out in front of the building, exchange US currency for an object and walked off."

[REDACTED] did not enter [REDACTED] at any time. Det. Baez did not see how the object was packaged at this time. The interaction lasted only seconds, resulting with [REDACTED] walking away from the location; however, Det. Baez could not specify the street or direction that [REDACTED] went. After making the observation, Det. Baez and Det. Slavinsky decided to arrest [REDACTED]. Det. Slavinsky exited the van and followed [REDACTED] due to the belief that the small object was narcotics. Det. Slavinsky decided to follow [REDACTED] because Det. Baez had a long running case against the individual at [REDACTED] and they did not want to arrest [REDACTED] in front of the building due to that case. Det. Baez believed that, due to the interaction between [REDACTED] and the individual, [REDACTED] had purchased narcotics. Det. Baez stayed inside the prisoner van, because there was a prisoner already inside it, and followed Det. Slavinsky. Det. Baez and Det. Slavinsky followed [REDACTED] for approximately two minutes.

[REDACTED] dropped the heroine onto the ground as Det. Baez and Det. Slavinsky were following him. Det. Baez believed that he dropped the narcotics because he saw [REDACTED] turn around while walking and believed he realized that Det. Slavinsky was a police officer. After dropping the heroine, [REDACTED] continued walking. Det. Slavinsky stopped [REDACTED] and handcuffed him immediately. [REDACTED] was considered under arrest for a possession of a controlled substance. Det. Slavinsky recovered an unknown amount of glassine envelopes containing heroine.

[REDACTED] was never slammed against a vehicle or told "I don't give a fuck about your arm" by any officer including Det. Baez. There were no issues handcuffing [REDACTED] and he was never placed against any surface while being handcuffed. [REDACTED] was searched before being placed into the prisoner van. Det. Baez exited the prisoner van and opened the back doors so [REDACTED] could be placed inside the prisoner van. [REDACTED] stated that he needed to go back to his car to tell his wife that he got locked up and that she couldn't drive the car because she did not have a driver's license. Det. Baez did not recall where the car was located, believing it may have been on York Street or Bridge Street. Det. Baez believed the car was a block and half away.

Det. Baez and Det. Slavinsky arrived at the location where [REDACTED] vehicle was. Det. Slavinsky exited the prisoner van and approached the vehicle. The car was running and [REDACTED] was sitting in the passenger seat.

Interview Details

Det. Baez got out and opened the back of the van to show [REDACTED] that [REDACTED] had been arrested. [REDACTED] and [REDACTED] began talking. Det. Baez believed that [REDACTED] wanted money from [REDACTED] and stated that she was dope sick. Additionally she asked [REDACTED] what she should do with the car to which he responded to leave it at the location. There was no physical exchange between [REDACTED] and [REDACTED] at this time as [REDACTED] was handcuffed. Det. Baez believed that there was at least one individual in the prisoner van with [REDACTED] however, Det. Baez did not recall who this person was. During the interaction at the vehicle, [REDACTED] purse and wallet were never searched by either Det. Baez or Det. Slavinsky, nor was the vehicle ever searched by either officer. Det. Baez did not recall if Det. Slavinsky ever had [REDACTED] ID. The vehicle stayed at the location because [REDACTED] did not have a driver's license. Officers never told [REDACTED] "I don't give a fuck how you get home" or "Fucking walk home," nor did Det. Baez. Sgt. Anghel never came to the scene at [REDACTED] but did come to another location, prior to ever going to the 88th Precinct stationhouse, after to check up on Det. Baez and Det. Slavinsky. Sgt. Anghel did not make any contact with [REDACTED] or [REDACTED] at [REDACTED].

After retrieving the keys to the vehicle, Det. Slavinsky directed [REDACTED] to a train. Det. Baez and Det. Slavinsky did not see [REDACTED] physically walk to the train station as they left the scene.

Det. Baez did not recall how long it was from when [REDACTED] was arrested to when [REDACTED] came to the 88th Precinct stationhouse. Back at the 88th precinct stationhouse, Det. Baez was working on task involving arrest processing. [REDACTED] was searched at the front desk in areas including his socks, shoes and pockets. At this time, the arresting officer, Det. Martin, and Sgt. Anghel were present and were the two officers who interacted with [REDACTED] at this time. [REDACTED] came to the 88th Precinct stationhouse and wanted money for the cab that got her to the stationhouse and stated that she was sick and wanted drugs. Det. Baez stated that [REDACTED] was irate, stating, "I want my fucking drugs," "I want my money" and "I want to see my husband".

Det. Baez believed that [REDACTED] and [REDACTED] were brought into the muster room to speak to each other. Det. Baez never heard an officer say to [REDACTED] "Calm her the fuck down, she came in here acting like a nut; I am not giving her shit," nor did he say that himself. Det. Baez never used any profanity towards [REDACTED] or [REDACTED] nor did he hear any officer do so. [REDACTED] and Mr. Desiero did not ask an officer for their name and shield number and Det. Baez was not asked for his name or shield number. Det. Baez did not hear an officer deny [REDACTED] and [REDACTED] their name and shield number. No officer shoved [REDACTED] at the stationhouse, nor did Det. Baez himself.

Det. Baez did not know if the property was released to [REDACTED]

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Donald Capak	Team: Squad #2	CCRB Case #: 201408617	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 08/17/2014 7:00 PM	Location of Incident: In the rear of § 87(2)(b) and the 88th Precinct stationhouse	Precinct: 88	18 Mo. SOL 2/17/2016	EO SOL 2/17/2016	
Date/Time CV Reported Thu, 08/21/2014 2:11 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/21/2014 2:11 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Paul Martin	02288	938946	NARCBBN
2. SGT Alexandru Anghel	00240	934403	NARCBBN
3. DT3 James Baez	07011	923599	NARCBBN
4. DT3 John Slavinsky	2046	939476	NARCBBN

Officer(s)	Allegation	Investigator Recommendation
A . DT3 John Slavinsky	Abuse of Authority: At § 87(2)(b) in Brooklyn, Det. John Slavinsky stopped § 87(2)(b).	A . § 87(2)(g)
B . DT3 John Slavinsky	Abuse of Authority: At § 87(2)(b) in Brooklyn, Det. John Slavinsky searched § 87(2)(b).	B . § 87(2)(g)
C . DT3 John Slavinsky	Discourtesy: At § 87(2)(b) in Brooklyn, Det. John Slavinsky spoke rudely to § 87(2)(b).	C . § 87(2)(g)
D . DT3 John Slavinsky	Abuse of Authority: At § 87(2)(b) in Brooklyn, Det. John Slavinsky searched § 87(2)(b).	D . § 87(2)(g)
E . DT3 James Baez	Abuse of Authority: At § 87(2)(b) in Brooklyn, Det. James Baez searched the car in which § 87(2)(b) was an occupant.	E . § 87(2)(g)
F . SGT Alexandru Anghel	Discourtesy: At the 88th Precinct stationhouse, Sgt. Alexandru Anghel spoke rudely to § 87(2)(b).	F . § 87(2)(g)
G . DT3 Paul Martin	Abuse of Authority: At the 88th Precinct stationhouse, Det. Paul Martin refused to provide his name and shield number to § 87(2)(b).	G . § 87(2)(g)
H . DT3 James Baez	Other: Det. James Baez intentionally made a false official statement when he stated that he observed § 87(2)(b) make a hand to hand transaction at § 87(2)(b) in Brooklyn.	H . § 87(2)(g)
I . DT3 John Slavinsky	Other: Det. John Slavinsky intentionally made a false official statement when he stated that § 87(2)(b) dropped narcotics to the ground prior to their recovery.	I . § 87(2)(g)

Case Summary

On August 17, 2014 Det. John Slavinsky of Brooklyn North Narcotics stopped and searched § 87(2)(b) (Allegation A and B). Afterwards, Det. Slavinsky allegedly spoke rudely to § 87(2)(b) (Allegation C). After arresting § 87(2)(b) the officers interacted with § 87(2)(b) who was waiting in § 87(2)(b)'s vehicle. Det. Slavinsky allegedly asked § 87(2)(b) to exit the vehicle and searched her purse and wallet (Allegation D) while Det. Baez of Brooklyn North Narcotics searched § 87(2)(b)'s vehicle (Allegation E). Once back the 88th Precinct stationhouse, Sgt. Alexandru Anghel of Brooklyn North Narcotics allegedly spoke rudely to § 87(2)(b) about § 87(2)(b) (Allegation F) while Det. Martin of Brooklyn North Narcotics refused to provide his name and shield to § 87(2)(b) (Allegation G) (BR 01 and 02). The investigation determined that Det. Baez and Det. Slavinsky both were believed to have provided false official statements during the CCRB interviews and were cited for other misconduct (Allegation H and I) § 87(2)(b) was arrested for criminal possession of a controlled substance. § 87(2)(b) was not arrested in regard to this case. The case was originally assigned to Inv. Yu on August 20, 2014, reassigned to Inv. Dempsey on September 11, 2014 and reassigned again to the undersigned on April 20, 2014.

Mediation, Civil and Criminal Histories

This case was not eligible for mediation due to § 87(2)(b)'s arrest. A Notice of Claim search for § 87(2)(b) was requested on March 24, 2015 and no records were found (BR 15). § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first complaint filed by § 87(2)(b) (BR 12).
- This is the first complaint filed by § 87(2)(b) (BR 11).
- Det. Paul Martin has been a member for the NYPD for nine years and has no substantiated allegations against him (see officer history).
- Sgt. Alexandru Anghel has been a member of the NYPD for ten years and has no substantiated allegations against him (see officer history).
- Det. John Slavinsky has been a member of the NYPD for nine years and has two substantiated allegations against him. In case # 200901128, Det. Slavinsky had retaliatory arrest and a search substantiated against him. The NYPD's penalty was instruction (see officer history).
- Det. § 87(2)(b) Baez has been a member of the NYPD for 15 years and has four substantiated allegations against him. In case # 200208495 Det. Baez had force, a question and/or stop, a frisk and/or search, discourtesy and § 87(4-b), § 87(2)(g) substantiated against him. The NYPD's penalty was Command Discipline –B (see officer history).

Findings and Recommendations

Allegations Not Pleaded

- Force: § 87(2)(b) alleged that Det. Slavinsky grabbed him by the shoulder and wrist and pushed him up against a vehicle. With the help of Det. Baez, the officers grabbed

both of § 87(2)(b) Desiero's hands and handcuffed him. The alleged force is considered appropriate to effect an arrest (BR 02).

Explanation of Subject Officer Identification

Det. Slavinsky and Det. Baez confirmed that Det. Slavinsky followed and arrested § 87(2)(b) and later spoke to § 87(2)(b) outside of the prisoner van. § 87(2)(b) alleged that the officer who searched her purse and wallet was a white male with red hair and red goatee. Det. Slavinsky and Det. Baez confirmed that it was Det. Slavinsky who interacted with § 87(2)(b) near § 87(2)(b). Furthermore, § 87(2)(b) who was inside the prisoner van with § 87(2)(b) provided a phone statement which indicated that the two officers who were driving the prisoner van did not have red hair. § 87(2)(b) described one of the officers as being a white male, standing approximately 5'8" tall, weighing 190 pounds with light brown hair, which accurately matches Det. Slavinsky. Therefore; **Allegations A, B, C and D** are pleaded against Det. Slavinsky.

§ 87(2)(b) alleged that while an officer searched her purse and wallet, the officer's partner searched § 87(2)(b)'s vehicle. Det. Baez confirmed that he was Det. Slavinsky's partner and was present for Det. Slavinsky's interaction with § 87(2)(b) and that there were no other officers at the scene. Therefore **Allegation E** is pleaded against Det. Baez.

Once back at the 88th Precinct stationhouse, § 87(2)(b) alleged in his phone statement that PO "Angel" interacted with him, stated that he was in charge and told § 87(2)(b) that someone could come and retrieve § 87(2)(b)'s property. In § 87(2)(b)'s verified statement, he alleged that the same officer told him, "If you don't calm her the fuck down, she came in here like a nut, I'm not going to give her shit." Sgt. Anghel confirmed that he interacted with § 87(2)(b) at the 88th Precinct stationhouse and allowed him to call § 87(2)(b) to come and pick up his property but denied using profanity towards § 87(2)(b). Therefore, **Allegation F** is pleaded against him.

Both § 87(2)(b) and § 87(2)(b) alleged that a white male officer with red hair and a red goatee or beard refused to give § 87(2)(b) his name and shield number. Det. Martin, who was assigned as the arresting officer, confirmed that he interacted with § 87(2)(b) at the 88th Precinct stationhouse, and matches the description provided by § 87(2)(b) and § 87(2)(b). Therefore, **Allegation G** is pleaded against him.

Recommendations

Allegation A - Abuse of Authority - At § 87(2)(b) in Brooklyn, Det. John Slavinsky stopped § 87(2)(b)

Allegation B – Abuse of Authority - At § 87(2)(b) in Brooklyn, Det. John Slavinsky searched § 87(2)(b)

§ 87(2)(b) alleged that after speaking with some of his friends, he noticed Det. Slavinsky exit a van and follow him through a NYCHA complex, down an alleyway, through a park and onto § 87(2)(b). Det. Slavinsky grabbed § 87(2)(b) by his wrist, pushed him up against a vehicle and placed his hands inside § 87(2)(b)'s front and back pockets. Det. Baez exited from the driver's side of the van and assisted Det. Slavinsky with handcuffing § 87(2)(b). Det. Baez went into § 87(2)(b)'s front and rear pockets and pulled glassine bags from one of his pockets (BR 02).

Det. Slavinsky stated that after observing § 87(2)(b) enter § 87(2)(b) for a minute to a minute and a half, exit and then remove a small object from his front right pocket and look at it, he followed him. After being followed for two to three blocks, § 87(2)(b) saw Det. Slavinsky, removed the small object from his pocket and dropped it on the ground. Det. Slavinsky picked up the object, which he determined to be heroin and continued to follow § 87(2)(b) for another block before calling Det. Baez and indicating the direction that § 87(2)(b) was walking. As Det. Slavinsky approached § 87(2)(b) from the back, Det. Baez approached from the front and § 87(2)(b) placed his hands behind his back (BR 03).

In the supporting deposition paperwork, Det. Slavinsky stated that he recovered the heroin from § 87(2)(b)'s pants pockets (BR 18). In the Misdemeanor Narcotics Possession Fact Sheet Det. Slavinsky also states that the heroin was recovered from § 87(2)(b)'s pants pocket and that he was observed in possession of a quantity of a controlled substance, but makes no note of observing a hand to hand transaction at § 87(2)(b) (BR 19). In addition, Det. Slavinsky also states in the Criminal Court Complaint that § 87(2)(b) was observed in possession of a quantity of a controlled substance that was recovered from his pants pockets and makes no note of observing a hand to hand transaction at § 87(2)(b) (BR 07). Furthermore, the arrest report also only states that § 87(2)(b) was observed in possession of a controlled substance (BR 09).

In his interview, Det. Baez stated that he and Det. Slavinsky were 30 feet away in their prisoner van and observed § 87(2)(b) exchange U.S. currency for a small object with an individual in front of § 87(2)(b). § 87(2)(b) did not enter § 87(2)(b) at any time. The interaction lasted only seconds, resulting in § 87(2)(b) walking away from the location. Det. Slavinsky exited the prisoner van and followed § 87(2)(b) because both he and Det. Baez believed the small item was narcotics. Det. Baez followed Det. Slavinsky in the prisoner van while Det. Slavinsky followed § 87(2)(b) on foot. § 87(2)(b) noticed Det. Slavinsky and dropped the small object to the ground and continued walking. Det. Slavinsky stopped and handcuffed § 87(2)(b) immediately. Det. Slavinsky recovered an unknown number of glassine envelopes containing heroin (BR 04).

The investigation concluded that Det. Baez and Det. Slavinsky observed § 87(2)(b) approach § 87(2)(b) which is not only a known narcotics location, but also a location that Det. Baez has an ongoing case on. After observing § 87(2)(b) enter § 87(2)(b) and exit, the officers followed and stopped § 87(2)(b) as they suspected he had purchased narcotics. Det. Slavinsky searched § 87(2)(b) and removed glassine envelopes of heroin from § 87(2)(b)'s pockets. The heroin recovered from § 87(2)(b) ultimately led to his arrest. The investigation determined, based on testimony and documents, that no hand to hand occurred and § 87(2)(b) did not drop the narcotics to the ground.

An officer may forcibly stop or pursue an individual if they have reasonable suspicion that the person being stopped has committed or is about to commit a crime. *People v. De Bour*, 40 N.Y.2d 210 (1976). Furthermore, a police officer may arrest and take into custody a person when he has probable cause to believe that person has committed a crime, or offense in his presence (*CPL 140.10*) (BR 13). Mere presence inside a NYCHA building does not provide reasonable suspicion of a crime. *People v. Ortiz*, 2011 NY Slip Op 51036U (Crim. Ct. Kings Cty., 2011) (BR 21). Observing a person exit a NYCHA building does not provide reasonable suspicion of a crime or even an objective, credible reason to approach a person. *People v. Almonte*, 30 Misc. 3d 1234A (Sup. Ct., Bronx Co. 2011) (BR 22).

§ 87(2)(g)

Allegation C – Discourtesy: At § 87(2)(b) in Brooklyn, Det. John Slavinsky spoke rudely to § 87(2)(b)

Allegation D – Abuse of Authority: At § 87(2)(b) in Brooklyn, Det. John Slavinsky searched § 87(2)(b)

Allegation E- Abuse of Authority: At § 87(2)(b) in Brooklyn, Det. § 87(2)(b) Baez searched the car in which § 87(2)(b) was an occupant.

Allegation G – Abuse of Authority: At the 88th Precinct stationhouse, Det. Paul Martin refused to provide his name and shield number to § 87(2)(b)

It is undisputed that Det. Slavinsky and Det. Baez interacted with § 87(2)(b) and § 87(2)(b) at § 87(2)(b). It is undisputed that Det. Martin interacted with § 87(2)(b) at the 88th Precinct stationhouse.

In § 87(2)(b)'s verified statement, he alleged that, while being handcuffed, Det. Slavinsky stated that he did not give a “fuck” about his arm and, while speaking with § 87(2)(b), told him to “Shut the fuck up” from outside the prisoner van. In § 87(2)(b)'s verified statement, she did not allege any profanity being used during her and Det. Slavinsky's conversation at § 87(2)(b)'s vehicle (BR 02).

§ 87(2)(b) alleged in both her phone statement and verified statement that after being asked to exit § 87(2)(b)'s vehicle, Det. Slavinsky searched her bag and wallet. In § 87(2)(b)'s verified statement she also alleged that while Det. Slavinsky went through her purse and wallet, Det. Baez searched § 87(2)(b)'s vehicle. Back at the 88th Precinct stationhouse, § 87(2)(b) allegedly asked an officer with red hair and a red goatee for his name and shield number, to which he did not provide an answer (BR 01).

Det. Slavinsky and Det. Baez both confirmed that Det. Slavinsky interacted with § 87(2)(b) outside § 87(2)(b)'s vehicle but denied that any officer ever spoke rudely to § 87(2)(b). Both officers also denied ever searching § 87(2)(b)'s purse or wallet or § 87(2)(b)'s vehicle (BR 03 and 04). While at the stationhouse, Sgt. Anghel confirmed that he was asked by § 87(2)(b) for only his name and shield, which he provided to her. Sgt. Anghel denied hearing § 87(2)(b) request another officer for his name or shield number (BR 05). Det. Slavinsky, Det. Baez and Det. Martin all denied hearing § 87(2)(b) ask any officer for their name or shield number (BR 03, 04 and 06).

§ 87(2)(g)

§ 87(2)(g)

Allegation F – Discourtesy: At the 88th Precinct stationhouse, Sgt. Alexandru Anghel spoke rudely to § 87(2)(b)

It is undisputed that Sgt. Anghel interacted with § 87(2)(b) at the 88th Precinct stationhouse.

§ 87(2)(b) alleged that Sgt. Anghel came into the holding cell area to retrieve him because § 87(2)(b) had arrived to pick up his property. Sgt. Anghel stated “If you don’t calm her the fuck down. She came in here like a nut, I’m not going to give her shit” to § 87(2)(b) during this interaction (BR 02).

§ 87(2)(b) was present in the holding cell area when the officers came back to speak to § 87(2)(b) about § 87(2)(b). § 87(2)(b) said that officers told § 87(2)(b) that § 87(2)(b) was being loud and vociferous to which § 87(2)(b) told them that she has an illness that makes her that way. § 87(2)(b) did not state that officers used any profanity towards § 87(2)(b) and did not make any additional statements to him (BR 10).

Sgt. Anghel denied ever using any profanity while speaking to § 87(2)(b) (BR 05).

§ 87(2)(g)

Allegation H - Other Misconduct- Det. § 87(2)(b) Baez intentionally made a false official statement when he stated that he observed § 87(2)(b) make a hand to hand transaction at § 87(2)(b) in Brooklyn.

On May 14, 2015 Det. Baez was interviewed at the CCRB. During his CCRB interview, Det. Baez was asked, in his own words, to describe what had happened on August 17, 2014 at 7:00 p.m. Det. Baez began by stating that he and Det. Slavinsky were opposite § 87(2)(b) approximately 30 feet away, in their prisoner van. Det. Baez continued with his version of the events and stated, at 2:20, the following:

“We saw an individual with U.S. currency in his hand walking up towards the building § 87(2)(b) exchange words with another individual that came out in front of the building, exchange US currency for an object and walked off.” (BR 04).

§ 87(2)(g)

§ 87(2)(b) In Det. Slavinsky’s testimony, he stated that § 87(2)(b) entered § 87(2)(b) for a minute to a minute and half. Upon exiting, Det. Slavinsky observed § 87(2)(b) remove a small object from his front right pocket, examine it and then walk away from the location. In the Misdemeanor Narcotics Possession Facts Sheet it states, “Is the defendant a buyer in an observation sale?” which is marked off as “No”, further supporting the fact that a hand to hand transaction was never observed (BR 19). Furthermore, the Supporting Deposition, Criminal Court Complaint, and Arrest Report make no note of observing a hand to hand

transaction, a crucial detail in regards to the actions performed by Det. Baez and Det. Slavinsky (BR 18, 08 and 07).

Patrol Guide Procedure 203 -08 states that intentionally making false official statements is prohibited and will be subject to disciplinary action (BR 14). It must be proven that the statement was made, that it was material and that it was intentionally false. Dep't of Correction v. Centeno, OATH index No. 2031/04, pg. 4 (2005) (BR 20).

§ 87(2)(g)

Allegation I - Other Misconduct- Det. John Slavinsky intentionally made a false official statement when he stated that § 87(2)(b) dropped narcotics to the ground prior to their recovery.

On May 12, 2015, Det. Slavinsky was interviewed at the CCRB. During his interview, Det. Slavinsky was asked, in his own words, to describe what had happened on August 17, 2014 at 7:00 p.m. After observing § 87(2)(b) exit § 87(2)(b) and making the decision to follow him on foot, Det. Slavinsky stated the following at 2:58:

“Once he realized I was following him, he dropped some narcotics to the ground. I recovered the narcotics, seen what it was, I called over my partner on the phone. I continued to follow him for approximately a block or so, then once he seen my partner jump out, I was right behind him. I told him who we were and placed him under arrest.”

At 6:27 in Det. Slavinsky’s CCRB testimony, the following conversation occurred between the undersigned and Det. Slavinsky:

Inv. Capak: “He § 87(2)(b) had noticed you (Det. Slavinsky) following him at that time?”

Det. Slavinsky: “Yeah.”

Inv. Capak: “And that’s when he dropped the narcotics?”

Det. Slavinsky: “Yeah.”

Inv. Capak: “Did you see where he had pulled them from and dropped it or...”

Det. Slavinsky: “He had them in his pocket. He had reached - in his right front pants pocket he had it.

Inv. Capak: “Ok and then he dropped it to the floor and continued walking?”

Det. Slavinsky: “Yes.”

Inv. Capak: “Ok and then at that point you had followed up behind him and that’s when you picked up the narcotics?”

Det. Slavinsky: “Yes.”

At 7:32, Det. Slavinsky was asked to describe how the heroin he had recovered from the ground was packaged. Det. Slavinsky was shown the Field Test Report and stated the following:

“Glassine envelope.”

When asked if anything else stood out about the packaging, Det. Slavinsky stated the following at 8:00:

“He did drop five of them, so it was like in a little bundle.”

§ 87(2)(g) the Misdemeanor Narcotics Possession Facts Sheet, the Criminal Court Complaint and the Support Deposition, § 87(2)(g) all stated that the narcotics were recovered from § 87(2)(b) s pants pocket. Additionally, the Supporting Deposition and Misdemeanor Narcotics Possession Facts Sheet describe the narcotics that were recovered from § 87(2)(b) s pants pocket as 5 glassine envelopes of heroin. In § 87(2)(b) s testimony, he stated that after being stopped by Det. Slavinsky, Det. Baez searched his pockets and recovered heroin. On the Misdemeanor Narcotics Possession Facts Sheet, which was filled out by Det. Slavinsky himself, it states, “7. From where were the drugs recovered?” Det. Slavinsky wrote on the line provided next to this question, “Defendants pants pocket”. Additionally, the Criminal Court Complaint states, “The informant observed the defendant in possession of a quantity of heroin which informant recovered from defendant’s pants pocket.”

Patrol Guide Procedure 203 -08 states that intentionally making false official statements is prohibited and will be subject to disciplinary action (BR 14). It must be proven that the statement was made, that it was material and that it was intentionally false. Dep’t of Correction v. Centeno, OATH index No. 2031/04, pg. 4 (2005) (BR 20).

§ 87(2)(g) [REDACTED]

[REDACTED]

Team: _____

Investigator: _____	_____	_____
Signature	Print	Date

Supervisor: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date

Reviewer: _____	_____	_____
Title/Signature	Print	Date



Eric Gonzalez
District Attorney

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[INSERT NAME]
Assistant District Attorney

[INSERT DATE]

[INSERT D/C INFO]

Re: [INSERT CASE NAME]
Kings County Dkt./Ind. No. [#####]

In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: JOHN SLAVINSKY

MOS TAX: [REDACTED]

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

Disclosure # 1:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), AGAINST MOS SLAVINSKY, ARISING OUT OF AN INCIDENT ON 03/24/2009 WHILE THE MOS WAS ASSIGNED TO POLICE SERVICE AREA 3:

ALLEGATION(S):

1. MOS SLAVINSKY FAILED TO MAKE COMPLETE AND PROPER ACTIVITY LOG ENTRIES AS PERTAINS TO THE ISSUANCE OF SUMMONS AS REQUIRED

CASE STATUS: CLOSED ON 07/29/2010

ACTION TAKEN: SCHEDULE B COMMAND DISCIPLINE AND MOS SLAVINSKY WAS WARNED AND ADMONISHED

Disclosure # 2:

THE NYPD ENTERED DISPOSITIONS OF GUILTY AGAINST MOS SLAVINSKY ARISING OUT OF AN INCIDENT DATED 08/17/2014 IN KINGS COUNTY, WHILE THE MOS WAS ON DUTY AND ASSIGNED TO NARCBNN:

ALLEGATION(S):

1. MOS SLAVINSKY ENGAGED IN CONDUCT PREJUDICIAL TO THE GOOD ORDER, EFFICIENCY, OR DISCIPLINE OF THE NEW YORK CITY POLICE DEPARTMENT, IN THAT HE STOPPED AN INDIVIDUAL KNOWN TO THE DEPARTMENT WITHOUT SUFFICIENT LEGAL AUTHORITY.
2. MOS SLAVINSKY ENGAGED IN CONDUCT PREJUDICIAL TO THE GOOD ORDER, EFFICIENCY, OR DISCIPLINE OF THE NEW YORK CITY POLICE DEPARTMENT, IN THAT HE SEARCHED SAID INDIVIDUAL WITHOUT SUFFICIENT LEGAL AUTHORITY.

CASE STATUS: CLOSED ON 03/28/2017

ACTION TAKEN: MOS SLAVINSKY FORFEITED FIVE (5) VACATION DAYS.

Disclosure # 3:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 05/14/2018, AGAINST MOS SLAVINSKY:

ALLEGATION(S):

1. REPORT INCOMPLETE/ INACCURATE – OTHER REPORT

CASE STATUS: CLOSED ON 07/23/2018

ACTION TAKEN: VERBAL INSTRUCTIONS

Disclosure # 4:

THE PEOPLE ARE AWARE OF THE FOLLOWING FEDERAL CIVIL RIGHTS ACTION(S) AND/OR STATE TORT CIVIL LAWSUIT(S) IN WHICH THE INDICATED OFFICER HAS BEEN NAMED AS AN INDIVIDUAL DEFENDANT. NOTE, THE DISPOSITION INFORMATION MAY NOT BE CURRENT:

1. CARLOS MARRERO V. CITY OF NEW YORK, ET AL, 11-CV-4781, FILED IN THE EASTERN DISTRICT OF NEW YORK

BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH OCTOBER 13, 2020, THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND/OR PENDING ALLEGATIONS AGAINST THIS OFFICER:

Disclosure # 5:

CCRB CASE: 200901128

REPORT DATE: 01/23/2009

INCIDENT DATE: 01/23/2009

CCRB SUBSTANTIATED ALLEGATION(S):

1. ABUSE - RETALIATORY ARREST
2. ABUSE - SEARCH (OF PERSON)

NYPD DISPOSITION: # 1 NO DISCIPLINARY ACTION – DUP AND INSTRUCTIONS, # 2 INSTRUCTIONS

Disclosure # 6:

CCRB CASE: 201408617

REPORT DATE: 08/21/2014

INCIDENT DATE: 08/17/2014

CCRB SUBSTANTIATED ALLEGATION(S):

1. ABUSE - SEARCH (OF PERSON)
2. ABUSE - STOP

NYPD DISPOSITION: ADMINISTRATIVE PROSECUTION UNIT GUILTY, PENALTY: FORFEIT VACATION 5 DAYS

OTHER MISCONDUCT NOTED:

1. OTHER MISCONDUCT NOTED - OTHER MISCONDUCT

Eric Gonzalez
District Attorney
Kings County